

(Attachment to the Notice of Non-Compliant Amendment for PTO-324)

Continuation of 4(e) other:

The amendment to the claims filed on 2/16/2010 is non-compliant with 37 CFR § 1.121(c)(2) which states that “all claims being currently amended in an amendment paper shall ... be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived.”

In the previous claimset filed on 10/16/2009: Page 3, line 8 reads “**the** recording layer that is **the** recording ...”

In the newly submitted claimset filed on 2/16/2010: Page 4, line 1 reads “[**[a]**] the recording layer that is **a** recording ...”

The newly submitted claimset does not properly indicate the changes that have been made relative to the immediate prior version of the claims because:

- the 2/16/2010 claimset deletes an “a” that did not exist in the 10/16/2009 claimset,
- the 2/16/2010 claimset indicates a “the” as newly added text, but it already existed in the 10/16/2009 claimset, and
- the 2/16/2010 claimset changes a “the” to an “a” without any strikethrough, double brackets or underlining to show the change.

In the previous claimset filed on 10/16/2009: Page 3, line 14 reads “the plurality of first light receiving regions ...”

In the newly submitted claimset filed on 2/16/2010: Page 4, line 1 reads “the plurality first light receiving regions ...”

The newly submitted claimset does not properly indicate the change that has been made relative to the immediate prior version of the claims because the 2/16/2010 claimset deletes an “of” without indicating the deletion with strikethrough or double brackets.